

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

FERNANDO GAMBOA HOWARD,

Defendant.

Case No. 2:15-mj-00627-NJK

ORDER

(Docket No. 38)

Pending before the Court is Defendant's motion to continue the extradition hearing set for February 2, 2016. Docket No. 38. Defendant requests a 60-day continuance in order to allow the United States to determine if the Amparo action filed by Defendant's retained counsel was granted and his arrest warrant quashed. *Id.* at 2. The United States opposes the continuance, and states that the warrant issued in this case should have been an arrest warrant rather than a re-arrest warrant, which is only a technical error. Docket No. 40 at 1-2. The United States submits that Defendant's team in Mexico has filed an action to review the sentence, which has not yet been decided. *Id.* at 2. The United States therefore contends that a valid arrest warrant has been issued and the extradition proceeding should continue as scheduled. *Id.*

The Court ordered Defendant to reply no later than 2:00 p.m. Docket No. 41. No reply has been filed. *See* Docket. Nonetheless, the Court finds that good cause exists to **GRANT** Defendant's motion in part. The extradition hearing is hereby continued to March 7, 2016, at 9:00 a.m., in Courtroom 3B.

IT IS SO ORDERED.

DATED: February 1, 2016.


 NANCY J. KOPPE
 United States Magistrate Judge